

REMARKS

Claims 1-4, 6-8, 11, 14, 17-19, and 21-26 are currently pending. Claims 7, 11, 14, 17-19, 21-23, 25, and 26 are currently withdrawn from consideration. Applicants wish to thank the Office for indicating that the subject matter of claims 1-4, 6, 8, and 24 is allowable except for containing non-elected subject matter or depending from claims that contain non-elected subject matter.

By way of this Amendment, claims 1-4, 6, 7, 11, 17-19, 21, 22, and 23 have been amended, claim 27 has been newly added, and no claims have been canceled. No new matter has been added.

Request for Allowance of the Product Claims

Product claims 1-3 and 6 have been indicated as allowable but for the recitation of non-elected subject matter. Claims 1 and 6 have now been amended to exclude non-elected subject matter. Further, each of product claims 2-4, 8, and 24 now depend directly or indirectly from claim 1. Newly added claim 27 (supported by Example 54 of the originally-filed specification) falls within the elected genus of claim 1.

Applicants respectfully submit that the product claims are condition for allowance since they are now directed solely to the elected subject matter and since no other rejections have been raised. Such allowance is respectfully requested.

Request for Rejoinder and Allowance of the Process Claim

Applicants request rejoinder of process claim 7 in accordance with 37 CFR 1.475(b)(3). Claim 7 refers to and recites the substituent definitions of claim 1 such that claim 7 contains the limitations of product claim 1 and shares its special technical feature, i.e. the genus that has been indicated as allowable. As such, rejoinder is proper and rejoinder is respectfully requested. Further, Applicants respectfully request that rejoined claim 7 be allowed.

Request for Rejoinder and Allowance of the Method of Treatment Claims

Applicants request rejoinder of method of treatment claims 11, 14, 17-19, 21-23, 25, and 26 in accordance with 37 CFR 1.475(b)(3), with initial examination of the elected species, i.e. rheumatoid arthritis, and subsequent examination of the non-elected conditions as provided by MPEP 803.02.

Claims 14, 17, and 18 were previously rejected under 35 USC 112, second paragraph for depending from withdrawn claim 11. It is Applicants' understanding that each of the method claims, including claims 14, 17, and 18, are currently withdrawn according to the Restriction Requirement mailed October 24, 2006, and Applicants election of Group I (the product claims) in the Response to Restriction Requirement filed November 22, 2006. There is no basis for rejecting a withdrawn claim for depending from another withdrawn claim, and Applicants respectfully request removal of the rejection.

Claims 17 and 18 are also rejected under 35 USC 112, second paragraph on the grounds that the claim from which they depend (claim 11) lacks antecedent basis for the terms rheumatoid arthritis, osteoarthritis, and COX-2. Regarding rheumatoid arthritis and osteoarthritis, each is a type of inflammatory condition as is more particularly described in the specification. Whereas "a condition selected from pain, fever, and inflammation" is recited in claim 11, antecedent basis has been provided for the recitation of rheumatoid arthritis and osteoarthritis in claims 17 and 18, respectively. Regarding COX-2, reference to COX-2 has been removed from the method claims.

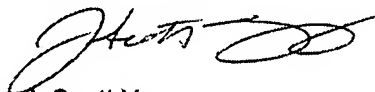
Applicants submit that the method of treatment claims are in condition for examination and subsequent allowance. Rejoinder, examination, and allowance of the method of treatment claims are respectfully requested.

Conclusion

Applicants assert that the instant Amendment places the application in a condition for allowance, and such allowance is respectfully requested.

The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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